



SAC/Jan 12/23/04 4616-67958-01 338962

PATENT

Attorney Reference Number 4616-67958-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Michael A. Kuzyk et al.

Application No. 10/782,234

Filed: February 18, 2004

Confirmation No. 5234

For: VACCINES AND AGENTS FOR
INDUCING IMMUNITY IN FISH
AGAINST RICKETTSIAL DISEASES,
AND ASSOCIATED PREVENTATIVE
THERAPY

Examiner: Not yet assigned

Art Unit: 1645

Attorney Reference No. 4616-67958-01

MAIL STOP NON-FEE AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP NON-FEE AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Agent
for Applicant(s)

Date Mailed December 23, 2004

TRANSMITTAL LETTER

Enclosed is a Response to Office Action for the above application.

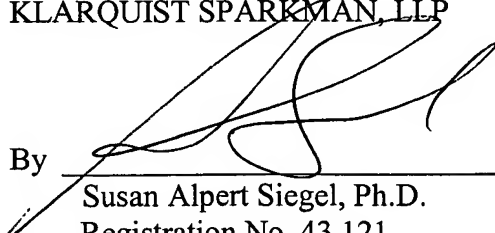
- ☒ No additional fee is required.
- ☒ If the Patent and Trademark Office determines that this amendment results in an additional application size fee for pages in excess of 100, please charge the fee to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please charge any fees that may be required in connection with filing this amendment to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

By


Susan Alpert Siegel, Ph.D.
Registration No. 43,121

cc: Docketing



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael A. Kuzyk et al.

Application No. 10/782,234

Filed: February 18, 2004

Confirmation No. 5234

For: VACCINES AND AGENTS FOR
INDUCING IMMUNITY IN FISH
AGAINST RICKETTSIAL DISEASES,
AND ASSOCIATED PREVENTATIVE
THERAPY

Examiner: Not yet assigned

Art Unit: 1645

Attorney Reference No. 4616-67958-01

MAIL STOP NON-FEE AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP NON-FEE AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Agent
for Applicant(s)

Date Mailed December 23, 2004

RESPONSE TO OFFICE ACTION

This responds to the Office action dated November 26, 2004. Please enter the following remarks:

Remarks begin on page 2.

Remarks

In response to the restriction requirement, Applicants elect Group II (claims 4-6) drawn to a vaccine including an immunogenic amount of a protein, with traverse. Applicants submit it would not be an undue burden on the Examiner to search the subject matter of Group II with the subject matter of Group III.

In response to the requirement for an election of species, Applicants elect Species A, drawn to SEQ ID NO: 2. Applicants thank the Examiner for noting that upon the allowance of a generic claim the applicants are entitled to consideration of claims to additional species which are written in dependent form or that otherwise include all of the limitations of the allowed generic claim.

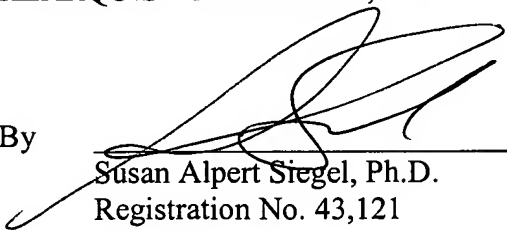
Conclusion

If any matters remain to be addressed prior to substantive examination the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By



Susan Alpert Siegel, Ph.D.
Registration No. 43,121

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 228-9446